

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

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Attorney for the debtor

In Re:
Rodney Jose Kelly

Case Number: 19-11490
Hearing Date: August 6, 2019 at 9:00 a.m.
Judge: MBK
Chapter: 13

Recommended Local Form: ☒ Followed ☐ Modified

**CHAPTER 13 DEBTOR(S) SUPPLEMENTAL CERTIFICATION IN OPPOSITION TO CREDITORS
MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

The debtor in this case opposes the following (**choose one**):

☒ Motion for relief from the automatic stay .

A hearing has been scheduled for August 6, 2019

I oppose the above matter for the following reasons:

I am a party to a state court foreclosure action which I have timely answered and was in the process of litigating when this bankruptcy was filed.

No judgment has been rendered in that matter although there are pending but stayed proceedings regarding same.

The Rooker-Feldman Doctrine does not apply in this case because there is no state court judgment for this court to give full force and effect to.

There is not a valid mortgage lien in this case because the mortgage lien document contains a legal description of property with a different address and in Bergen County.

Therefore, the moving creditor has failed to prove they have a valid mortgage in which to have the stay lifted for.

Further note, the original mortgage FGC went into bankruptcy in 2008.

FGC ceased to exist in 2010 upon being purchased by Signature Holdings Group by court order.

MERS has allegedly assigned in 2012 the FGC as the designated company.

Please note since FGC does not exist, FGC could not designate MERS as their designee and MERS is without authority to assign the mortgage.

Therefore, the moving party has also failed to prove that they have an interest in this mortgage valid or otherwise and lack standing to prosecute this claim.

This certification is being made in an effort to resolve the issues raised in the creditors motion to vacate the automatic stay

1. I certify under penalty of perjury that the above is true.

Date: _____

/s/ Rodney Kelly
Rodney Kelly